



Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/873,897	04/24/92	GELFAND	D 2303.2B

022829 HM12/1006  
ROCHE MOLECULAR SYSTEMS INC  
PATENT LAW DEPARTMENT  
1145 ATLANTIC AVENUE  
ALAMEDA CA 94501

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 1651 40 1/5 10/5/99  
10/06/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Board Decision of 7/30/99

☒ The allowed claim(s) is/are 35-41 + 53-62

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 71

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

DAVID M. NAFF  
PRIMARY EXAMINER  
ART UNIT 1785/



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

022829 HM12/1006  
ROCHE MOLECULAR SYSTEMS INC  
PATENT LAW DEPARTMENT  
1145 ATLANTIC AVENUE  
ALAMEDA CA 94501

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/873,897	04/24/92	018	NAFF, D	1651 10/06/99
First Named Applicant	GELFAND,	35 USC 154(b) term ext. =		

TITLE OF INVENTION STABILIZED THERMOSTABLE NUCLEIC ACID POLYMERASE COMPOSITIONS  
CONTAINING NON-IONIC POLYMERIC DETERGENTS (AS AMENDED)

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	2303.2B	435-188.000	C70	UTILITY	NO	\$1210.00 01/06/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the title, cancel the title and insert the following title --

1 STABILIZED THERMOSTABLE NUCLEIC ACID POLYMERASE COMPOSITIONS CONTAINING  
F NON-IONIC POLYMERIC DETERGENTS/---.

In the abstract, page 91,

lines 3, 4, 6, 10 and 11 of the page, cancel "enzyme" and insert --  
nucleic acid polymerase --;

line 4, after "is" insert -- DNA polymerase --, and change "the",  
second occurrence, to -- a --;

line 11, after the period insert --/A preferred buffer contains

2 glycerol, Tris-HCL (pH 8.0), ethylenediamine tetraacetic acid,  
F dithiothreitol, polyoxyethylated sorbitan monolaurate, ethoxylated nonyl  
phenol and gelatin./---.

In the specification,

Cancel the amendment (D<sup>1</sup>) of 4/24/92 to page 1 before the first  
line;

Cancel the amendment (B<sup>1</sup>) of 5/10/90 to page 1 that replaced the  
title and cross-reference, and insert --

Stabilized Thermostable Nucleic Acid polymerase Compositions

Containing Non-Ionic Polymeric Detergents

Cross-Reference to Related Applications

F<sup>3</sup>  
94

Application/Control Number: 07/873,897  
Art Unit: 1651

Page 3

3  
F  
This application is a continuation of Application Serial No. 07/387,003, filed July 28, 1989, now abandoned, which is a division of Application Serial No. 07/143,441, filed January 12, 1988, now abandoned, which is a continuation-in-part of Application Serial No. 07/063,509, filed June 17, 1987, now U. S. Patent No. 4,889,818, which is a continuation-in-part of application Serial No. 06/899,241, filed August 22, 1996, now abandoned. /--.

In the claims,

Claim 40, line 2, correct the spelling of "polyoxythylated" to -- polyoxyethylated --.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is (703) 308-0520. The examiner can normally be reached on Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.

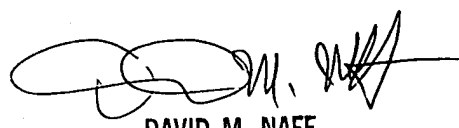
If attempts to reach the examiner by telephone are unsuccessful, a message can be left on voice mail.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

The fax phone number is (703) 305-3014 or 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

DMN  
10/5/99

95  
  
DAVID M. NAFF  
PRIMARY EXAMINER  
ART UNIT 1651